

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) Takeshi TABIRA et al. Confirmation No.: 3468
Appl. No.: 10/560,280 Examiner: Unassigned
Filing Date: December 12, 2005 Group Art Unit: Unassigned
Title: RECOMBINANT ADENO-ASSOCIATED VIRUS VECTOR FOR
TREATMENT OF ALZHEIMER DISEASE

**RESPONSE TO NOTIFICATION OF MISSING
REQUIREMENTS UNDER 35 U.S.C. 371**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This communication responds to the Notification of Missing Requirements Under 35 U.S.C. 371 mailed March 13, 2006, in the above-captioned application. Applicants filed the required Declaration and Power of Attorney in the U.S. Patent Office on February 27, 2006. A copy of the documents filed along with the date stamped postcard are attached as verification.

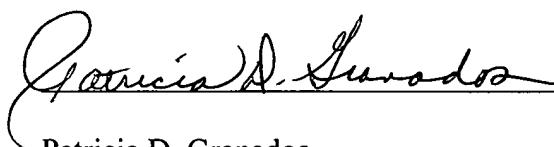
The required \$130.00 filing fee under 37 CFR 1.492(h) was charged to Applicants' deposit account with the February 27, 2006 filing. Applicants also submitted at that time a Preliminary Amendment which eliminated the excess claims.

Applicants submit herewith the required Sequence Listing under 37 CFR 1.821-1.825 as requested in the March 13, 2006, Notice.

Applicants believe no additional filings fees are due at this time, however, the Commissioner is hereby authorized to charge any deficiency or to credit any overpayment to Deposit Account No. 08-1641.

Respectfully submitted,

Date: April 26, 2006
HELLER EHRMAN LLP
1717 Rhode Island Avenue, NW
Washington, D.C. 20036
Phone: 202-912-2000
Fax: 202-912-2020


Patricia D. Granados
Reg. No. 33,683
Attorney for Applicant
Customer No. 26633



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/560,280	Takeshi Tabira	40072-0026US

INTERNATIONAL APPLICATION NO.

PCT/JP04/08224

I.A. FILING DATE	PRIORITY DATE
06/11/2004	06/13/2003

26633
 HELLER EHRMAN WHITE & MCAULIFFE LLP
 1717 RHODE ISLAND AVE, NW
 WASHINGTON, DC 20036-3001

CONFIRMATION NO. 3468
 371 FORMALITIES LETTER



OC000000018227305

Date Mailed: 03/13/2006

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 12/12/2005
- Copy of the International Search Report filed on 12/12/2005
- Copy of IPE Report filed on 12/12/2005
- Copy of Annexes to the IPER filed on 12/12/2005
- Information Disclosure Statements filed on 12/12/2005
- Biochemical Sequence Listing filed on 12/12/2005
- U.S. Basic National Fees filed on 12/12/2005
- Priority Documents filed on 12/12/2005
- Non-English Language Application filed on 12/12/2005
- Specification filed on 12/12/2005
- Claims filed on 12/12/2005
- Abstracts filed on 12/12/2005
- Drawings filed on 12/12/2005

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Additional claim fees of \$910 as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.
- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.

- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$1040** for a Large Entity:

- **\$130 Surcharge.**

- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

Additionally the following defects have been observed:

- Annexes have not been entered because the annexes is a foreign text.
- Total additional claim fee(s) for this application is **\$ 910**
 - **\$550** for 11 total claims over 20.
 - **\$360** for multiple dependent claim surcharge.

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:

- **For Rules Interpretation, call (571) 272-0951**
- **For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.**
- **Send e-mail correspondence for Patentin Software Program Help @ ebc@uspto.gov**

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

PAULETTE R KIDWELL

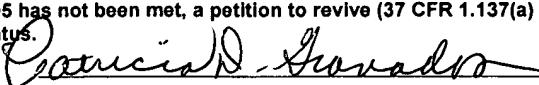
Telephone: (703) 308-9140 EXT 216

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/560,280	PCT/JP04/08224	40072-0026US

FORM PCT/DO/EO/905 (371 Formalities Notice)

FORM PTO-1390 (REV. 02-2005)		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		ATTORNEY'S DOCKET NUMBER
TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371		40072-0026		
		U.S. APPLICATION NO. (if known, see 37 CFR 1.5) 10/560,280		
INTERNATIONAL APPLICATION NO. PCT/JP2004/008224	INTERNATIONAL FILING DATE June 11, 2004	PRIORITY DATE CLAIMED June 13, 2003		
TITLE OF INVENTION RECOMBINANT ADENO-ASSOCIATED VIRUS VECTOR FOR TREATMENT OF ALZHEIMER DISEASE				
APPLICANT(S) FOR DO/EO/US Takeshi TABIRA; Hideo HARA				
<p>Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:</p> <ol style="list-style-type: none"> <input type="checkbox"/> This is a FIRST submission of items concerning a filing under 35 U.S.C. 371. <input checked="" type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371. <input type="checkbox"/> This express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below. <input type="checkbox"/> The US has been elected (Article 31). <input type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2)) <ul style="list-style-type: none"> a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> has been communicated by the International Bureau. c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US). <input type="checkbox"/> A English language translation of the International Application as filed (35 U.S.C. 371(c)(2)) <ul style="list-style-type: none"> a. <input type="checkbox"/> is attached hereto. b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4). <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)) <ul style="list-style-type: none"> a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> had been communicated by the International Bureau. c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired. d. <input type="checkbox"/> have not been made and will not be made. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)). <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)). <input type="checkbox"/> An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)). <p>Items 11 to 20. below concern document(s) or information included:</p> <ol style="list-style-type: none"> <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included <input checked="" type="checkbox"/> A preliminary amendment. <input type="checkbox"/> An Application Data Sheet under 37 CFR 1.76. <input type="checkbox"/> A substitute specification. <input type="checkbox"/> A power of attorney and/or address letter. <input checked="" type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 132 and 37 CFR 1.821-1825 <input type="checkbox"/> A second copy of the published international application under 35 U.S.C. 154(d)(4) <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4). <input checked="" type="checkbox"/> Other items or information: copy of Notice (dated 3/13/06) 				

U.S. APPLICATION NO. (IF KNOWN, SEE 37 CFR 1.7) 10/560,280	INTERNATIONAL APPLICATION NO. PCT/JP2004/008224	ATTORNEY'S DOCKET NUMBER 40072-0026	
21. The following fees are submitted:		CALCULATIONS PTO USE ONLY	
<input type="checkbox"/> a) Basic national fee.....\$300.00 <input type="checkbox"/> b) Examination fee\$200.00 <input type="checkbox"/> c) Search fee.....\$500.00			
TOTAL OF ABOVE CALCULATIONS =			
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.			
TOTAL SHEETS	EXTRA SHEETS	NUMBER EXTRA (of each additional 50 or fraction thereof rounded up to a whole number)	RATE
		-100 = 50 =	
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(e)).			
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE
Total claims	14 - 20 =	0	x \$50.00
Independent claims	1 - 3 =	0	x \$200.00
MULTIPLE DEPENDENT CLAIM(S) (if applicable)		+	\$360.0
SUBTOTAL =			
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by $\frac{1}{2}$.			
		SUBTOTAL =	
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).		+	
TOTAL NATIONAL FEE =			
Fee for recording the enclose assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property			
TOTAL FEES ENCLOSED =		\$ 0 fees due	
		Amount to be refunded:	\$
		Amount to be charged:	\$
a. <input type="checkbox"/> A check in the amount of _____ to cover the above fees is enclosed. b. <input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of _____ to cover the above fees. A duplicate copy of this sheet is enclosed. c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment To Deposit Account No. <u>08-1641</u> A duplicate coy of this sheet is enclosed. d. <input type="checkbox"/> Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.			
NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.			
SEND ALL CORRESPONDENCE TO:  HELLER EHRMAN LLP 1717 Rhode Island Avenue, N.W. Washington, D.C. 20036 Customer No.: 26633			
SIGNATURE		Patricia D. Granados	
NAME		Date	
REGISTRATION NO.: 33,683		April 26, 2006	

Title: RECOMBINANT ADENO-ASSOCIATED VIRUS VECTOR FOR TREATMENT OF ALZHEIMER DISEASE

Inventor(s): Takeshi TABIRA et al.

Docket No.: 40072-0026

Appl. No.: 10/560,280

Filing Date: December 12, 2005

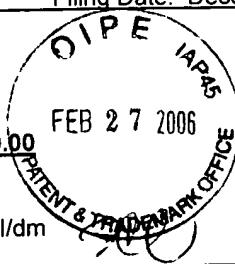
- Transmittal Letter Concerning A Filing Under 35 CFR §371
- Declaration and Power of Attorney
- Preliminary Amendment
- Charge Deposit Account No. 08-1641 in the amount of \$130.00
- File in Mail Room/Attn: Mail Stop Missing Parts/Amendment

Date Due: N/A

Return to: JPI/dm

Date Filed: 2/27/06

Inspected By: _____



Commissioner for Patents: Please acknowledge receipt of the above-identified documents by applying the U.S. Patent and Trademark Office receipt stamp hereto and mailing this card.

Respectfully,
HELLER EHRLMAN LLP

JKH